REMARKS

Claims 1 to 19 are now pending in the application. Claims 2-4, 15-16 and 19 are amended. The Applicant submits that no new subject matter is added.

Claim Rejections – 35 USC §101

The Applicant submits that amended claim 19 is directed to statutory subject matter.

Claim Rejections – 35 USC §112

The Applicant submits that amended claims 2-4 and 15-16 are fully supported by the specification.

As for claim 17, it does not define a Markush grouping (contrary to what is stated in the Office Action). Furthermore, support for the evolution of one ESU is found in Figure 8A, while evolution of all ESUs is found in paragraph [0032]: "A simple embodiment of this invention is a global and uniform evolutions, i.e. all ESUs evolve at the same time and at the same rate..." Also, paragraph [0039] states "A first embodiment is to determine how many and which ESUs in the whole population will evolve upon occurrence of the evolution trigger" which is easily interpreted by a person having ordinary skill in the art as meaning that "at least one of said ESUs evolve upon occurrence of an evolution trigger".

Claim Rejections – 35 USC §102

Regarding claim rejections based on 35 U.S.C. §102, the Applicant submits that Bennett (US 6,056,642) does not teach all the limitations of the claims. Thus, the allowance of the discussed claims is respectfully requested, based on the following arguments:

Bennett teaches a mechanical reel line game (as illustrated in figure 1) wherein upon the event of each the three reels stopping on a "7" symbol, the gaming machine associates each of the "7" symbol with a randomly selected color. Bennett describes that the color may appear on the display (column 3, lines 41-43) or be applied to the "7" symbol by backlighting it using

colored light bulbs or incident light (column 3, lines 47-51). If all three "7" symbols are randomly changed to red, the player is awarded a jackpot, while three "7" symbols of another color or mixed colors result in lesser prizes (column 3, Lines 43-47).

Bennett is pretty clear on his intent in making his invention: being able to offer a bigger jackpot prize on mechanical reel machines. The limitations that his invention tends to alleviate are those imposed by the mechanical reels and not the line game format. As is explained in Bennett in the section "Description of the Prior Art", mechanical reels are controlled by stopper motors, which stop the reels at a randomly determined position, each reel displaying a symbol along a pay line. The probability of obtaining a symbol is thus dependent on the number of symbol appearing on the reel. Thus, as in roulette for example, the prizes that may be offered for forming a certain line depends on the probability of forming this line.

Accordingly, the solution to offer bigger prizes is to render the combination of symbols associated with this prize harder to get by rendering the symbol rarer on the reels. But, mechanical reels cannot bear an unlimited number of symbols, and thus, the jackpot is always limited. The solution was to find a way to add a second level of random determination which would apply when a predetermined event occurred. That's what Bennett did, determining a random color for each "7" symbol when three of them appeared on a line was adding such a second level of random determination.

For example, if there is one out of a thousand chance (0.1%) of forming a line of three "7" symbols. And that each of the colors red, white and blue have an equal probability of occurring on each reel, the probability of forming a line of three red colored "7" symbols would be the chances of obtaining a line of three "7" symbols (1/1000), multiplied by the chance of the color being chosen on the first reel to be red (1/3), multiplied by the chance of the color being chosen on the second reel to be red (1/3), multiplied by the chance of the color being chosen on the third reel to be red (1/3), or 0,0037% (1/1000X1/3X1/3X1/3=1/27000). If one were to give

different weight to each color, obtaining a line of three red "7" symbols may become really rare, allowing the awarding of a really big jackpot.

Accordingly, the Applicant submits that the intent of Bennett was to add a second level of random determination to allow for higher jackpots and more finely control probabilities of obtaining outcomes in a mechanical-reel-operated line game.

The Applicant points out that nowhere in Bennett is there any mention of a meter, a counter or any suggestion of the notion of gathering occurrences of any event in or "around" the game. In Bennett, the second random determination occurs when a predetermined event has occurred in the game and is momentarily applied without any influence from past events or any effect on future events. By definition, "operating a meter" involves measuring something, not simply indicating the result of an outcome as in Bennett. Accordingly, the limitation "operating a meter displayed as at least three statuses" is totally absent from Bennett. The Applicant submits that merely having three colors, which may be interpreted as statuses, is not enough to read in Bennett that these statuses are a way to display a meter. The meter itself must be taught! And this teaching must be enabling. It is the Applicant's opinion that a person having ordinary skill would not read, interpret or imply from Bennett the teaching of a meter, counter or any other mean of gathering occurrences of an event. Accordingly, the Applicant submits that Bennett does not teach the limitation "operating a meter displayed as at least three statuses", and thus does not anticipate claim 1.

The Applicant also submits that Bennett does not teach the limitation "at least three statuses of an evolving symbol". According to Webster, "to evolve" means "to develop", "to undergo evolutionary change". Different definitions of "Evolution" are given, but all those may apply in the context imply a direction ("a process of change in a certain direction"), a bettering ("a process of continuous change from a lower, simpler, or worse to a higher, more complex, or better state"). Bennett does not describe such a direction or bettering in the determination of a

color or another. Even if the three statuses or three colors described in Bennett may have different weights and values, they do not evolve one from the other. In other words, the "7" symbol does not change from one to another according to a predetermined order or schedule; the color is randomly determined according to the probability of each color of occurring. Accordingly, the process of determining a color has no direction but is rather a "one shot" feature submitted to no influence from previous determination and having no effect on subsequent ones.

It is submitted, therefore, that claims 1 to 19 are in condition for allowance.

Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 19 at an early date is solicited.

In the event that there are any questions concerning these remarks or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

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